

PATENT COOPERATION TRE

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

02.02.00

Applicant's or agent's file reference
RCA 88836

IMPORTANT NOTIFICATION

International application No.
PCT/US97/23838

International filing date (day/month/year)
18/12/1997

Priority date (day/month/year)
18/12/1997

Applicant
THOMSON CONSUMER ELECTRONICS, INC. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RCA 88836	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US97/23838	International filing date (day/month/year) 18/12/1997	Priority date (day/month/year) 18/12/1997
International Patent Classification (IPC) or national classification and IPC H04N7/16		
Applicant THOMSON CONSUMER ELECTRONICS, INC. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		

Date of submission of the demand 08/07/1999	Date of completion of this report 02.02.00
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer McGrath, S Telephone No. +49 89 2399 8961



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US97/23838

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1,3-10 as originally filed

2,11 as received on 15/12/1999 with letter of 13/12/1999

Claims, No.:

1-11 as received on 15/12/1999 with letter of 13/12/1999

Drawings, sheets:

1/3-3/3 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.:
 the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US97/23838

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 1-11
	No:	Claims
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-11
Industrial applicability (IA)	Yes:	Claims 1-11
	No:	Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Concerning Point V - Reasoned Statement

The following documents, cited in the International Search Report (ISR), are mentioned in this examination report:

- D1: WO-A-97 42759
- D2: US-A-5 550 575
- D3: EP-A-0 777 385

1. The subject-matter of claim 1 does not meet the requirements of Article 33(3) and Rule 65(1)(2) PCT since it does not involve an inventive step.
 - 1.1 D1, see in particular page 18, line 24 - page 19, line 33, page 24, and Fig. 1, discloses the features of lines 4-18 of claim 1, excluding the second operating mode.

However, it is considered obvious for the skilled person that any special mode that can be selected as is the case in line 14 of claim 1 of the alleged invention, ("user selection of a first operating mode"), can also be deselected. Particularly in the present case where it will be apparent to the skilled person and the average adult user, who does not have children and is relatively open-minded, that censorship is not required or desirable at all, and that it is advantageous to disable the first operating mode.

The cited prior art documents do not disclose the possibility of completely disabling the censorship operation. However, this is not surprising since the majority of documents describing technological progress tend to stress the new features and do not dwell on the advantages of the old system, which in this case could be described as the absence of censorship and the accompanying speed and convenience that entails.

To take a simple analogy, someone presenting a new light bulb (eg "user selection of a first operating mode of illuminating a room ..") will in all likelihood not dwell on the advantages of turning off a light bulb, even though it is obvious and desirable to do so in the vast majority of cases.

2. The subject-matter of claim 11 also does not meet the requirements of Article 33(3) and Rule 65(1)(2) PCT since it does not involve an inventive step.
See the reasoning for claim 1 above.
3. The following dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step (Article 33(3) and Rule 65(1)(2) PCT):

claim 2 - see D1, p.8, lines 2-37;

claims 3-7 - see D1;

claims 8-10 - all conventional processors appear to be "capable of" providing such features; see also D1 and D2, cols. 9 & 10.

Concerning Point VII - Certain Defects

1. The requirements of Rule 6.3(b) PCT are not met since the independent claims are not properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble.
2. The opening part of the description is not in agreement with the newly-filed claims (Rule 5.1(a)(iii)).

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signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions.

7. The apparatus according to claim 1, wherein said processor is
5 responsive to user selection of a second operating mode for controlling
said output signal in said predetermined manner for at least until said
program related information is detected upon user selection of a new one
of a plurality of user designated signal channels of said plurality of signal
channels.

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8. The apparatus according to claim 1, wherein said processor is
capable of providing an On Screen Display menu signal for allowing user
selection of said first operating mode.

15 9. The apparatus according to claim 8, wherein said processor is
capable of providing a restricted access On Screen Display menu for
allowing user selection of said first operating mode.

10. The apparatus according to claim 9, wherein access to said On
20 Screen Display menu is password protected.

REPLACED BY
ART 34 AMDT

CLAIMS

1. An apparatus, comprising:
 - a signal input (100,105) for receiving a program signal associated with one of a plurality of signal channels, said signal input selecting one of said plurality of signal channels in response to a user input;
 - a signal output (RGB OUT) for providing an output signal derived from said program signal;
- 10 an auxiliary data decoder (115) for detecting program related information included in each said program signal; and a processor (112) operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels.
- 20 2. The apparatus according to claim 1, further comprising a second signal input (101,102) for providing a second program signal from a second signal source, and a switch (140) for operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected.
- 30 3. The apparatus according to claim 1, wherein said program signal is a television signal.
4. The apparatus according to claim 1, wherein said program signal comprises a plurality of digital signal packets.
- 35 5. The apparatus according to claim 1, wherein said program signal comprises a plurality of time-multiplexed digital signal packets.
6. The apparatus according to claim 1, wherein said predetermined manner of control comprises one of blanking the video

REPLACED BY
ART 34 AMDT

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Further, the above-described system may be used to provide default signal blocking whenever the user changes the signal input source from one source to another, for example, provide default blocking when the user switches from an internal tuner to an external signal source, such as
5 a VCR.

Additionally, the present system may be modified such that the default signal blocking mode is applicable to all channels, or to only designated channels, as selected using an On Screen Display menu. The OSD menu, or portions of the OSD menu, may be password protected to
10 prevent unauthorized access. The period of blocking, for example a designated maximum time period, may also be user selectable using an OSD menu. Therefore, it is to be understood that the present invention is intended to cover all modifications as would fall within the true scope and spirit of the present invention.

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REPLACED BY
ART 34 AMDT

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the user selected blocking criteria. For example, if the blocking level is set at "PG", all programs with a rating of "PG" and higher, such as "R", "NC-17" and "X", would be blocked. Blocking the program signal refers to preventing user access to an objectionable program by, for example, 5 rendering the video black or otherwise indecipherable, muting the audio and disabling the display of program related closed caption. When the program advisory information indicates that objectionable material is no longer being received, the V-chip system unblocks the program channel by displaying the video, unmuting the audio and/or enabling the display 10 of program related closed caption.

The V-chip technology described above differs from previous channel blocking methods wherein a user was able to designate certain television channels to be continuously blocked unless overridden, for example, by entering a valid override code. In contrast to a V-chip 15 system, such methods depend entirely on user designation of channels to be blocked rather than on program related information included in the program signal.

One difficulty associated with the V-chip technology described above is the delay time required for a television receiver to receive and 20 decode program related information included with a program signal. Since program related information is transmitted periodically, in between video, audio and other information, a television receiver may experience a delay before receiving and decoding new program related information when a user selects a new channel. For example, the proposed ANSI/EIA- 25 608A technical specification for the transmission of XDS Program Rating packet states that the Program Rating packet should be repeated at intervals no greater than 3 seconds unless delayed by closed caption data. Closed caption data always takes priority as required by law. So if field 2 captions are present, Program Rating packet transmissions may be 30 delayed longer than 3 seconds. Therefore, when a user selects a new channel, the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. The delay is a noticeable period during which a possibly objectionable program remains unblocked and may be accessed by 35 unintended audiences. As such, a user may be able to bypass the blocking feature and view and/or hear portions of an objectionable program when the television receiver is tuned to a new signal channel.

Therefore, what is needed is a system for preventing a user from bypassing the blocking feature in a system which uses program